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Case Header	Parties & Attorneys	Docket Entries	Charges, Judgments & Sentences	Service Information	Filings Due	Scheduled Hearings & Trials	Civil Judgments	Garnishments/Execution
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☐ Ascending**11/28/2016** ☐ [Retn Serv-Reg/Cert Mail Succs](#)

70161370000120356547

☐ [Summons Personally Served](#)

Document ID - 16-SMCC-18374; Served To - ALLIED PROPERTY AND CASUALTY COMPANY; Server - ; Served Date - 14-NOV-16; Served Time - 08:30:00; Service Type - Sheriff Department; Reason Description - Served

11/18/2016 ☐ [Jury Trial Scheduled](#)

Scheduled For: 05/22/2017; 9:00 AM ; BRYAN L HETTENBACH; City of St. Louis

11/07/2016 ☐ [Summons Issued-Circuit](#)

Document ID: 16-SMCC-18374, for ALLIED PROPERTY AND CASUALTY COMPANY.

☐ [Filing Info Sheet eFiling](#)

Filed By: SCOTT LEE KOLKER

☐ [Summ Req-Circuit Pers Serv](#)

Summons.

Filed By: SCOTT LEE KOLKER

On Behalf Of: MITCHELL FERNSLER

☐ [Pet Filed in Circuit Ct](#)

Petition.

Filed By: SCOTT LEE KOLKER

☐ [Judge Assigned](#)

IN THE CIRCUIT COURT OF ST. LOUIS CITY
STATE OF MISSOURI

MITCHELL FERNSLER,

Plaintiff,

v.

ALLIED PROPERTY AND CASUALTY COMPANY)

SERVE: JOHN M. HUFF)

Director of Insurance)

301 W. High Street, #530)

Jefferson City, Missouri 65101)

Defendant.)

Cause No.

PERSONAL INJURY VEHICULAR
JURY TRIAL DEMANDED

PETITION

Comes Now Plaintiff Mitchell Fernsler, for his claim against Defendant, states as follows:

1. At all times pertinent herein, 7 Trails Drive was an open and public street and highway.
2. On or about June 20, 2014, Plaintiff Mitchell Fernsler was operating a scooter on the street running through the 7 Trail Drive when said scooter was negligently and violently crashed into by a motor vehicle being operated by Kimberly Gann.
3. Kimberly Gann was negligent and failed to exercise the highest degree of care in one or more of the following respects:
 - a. Kimberly Gann drove at an excessive speed;
 - b. Kimberly Gann knew or, by the use of the highest degree of care, could have known that there was a reasonable likelihood of collision in time thereafter to have stopped, or swerved, or slackened speed, or sounded a warning, or slackened speed and swerved, or slackened speed and sounded a warning, or swerved and sounded a warning, but the Kimberly Gann failed to do so;
 - c. Kimberly Gann failed to keep a careful lookout;
 - d. Kimberly Gann failed to signal in intention to turn; and

e. Kimberly Gann failed to yield the right of way.

4. At all times pertinent herein, Defendant was an insurance company and corporation with authority to sue and be sued and had an office or agent for the transaction of its usual and customary business in the City of St. Louis, State of Missouri.

5. Defendant issued a policy of insurance with Policy Number PPCM0009918570-6 which covered Plaintiff Mitchell Fernsler which was in full force and effect at the time of the occurrence mentioned herein.

6. At all pertinent times mentioned herein, Mitchell Fernsler was an insured thereunder and said policy provided underinsured motorist coverage to Plaintiff Mitchell Fernsler.

7. Plaintiff Mitchell Fernsler settled his claim against Kimberly Gann for the limits of her automobile insurance policy but Mitchell Fernsler has incurred damages in excess of said policy limits.

8. Plaintiff Mitchell Fernsler has complied with all conditions precedent under the above-referenced policy issued by Defendant.

9. Plaintiff Mitchell Fernsler is entitled to additional damages pursuant to Mo.Rev. Stat. §375.420 in that:


- a. Plaintiff had a policy of insurance with Defendant;
- b. Defendant refused to pay Plaintiff his damages under said policy; and
- c. Such refusal was without reasonable cause or excuse.

10. The negligence of Kimberly Gann directly caused or directly contributed to cause Plaintiff Mitchell Fernsler to sustain injuries to his left hip and low back which will require surgery in the future; medical and other health care related expenses have been incurred in the approximate amount of \$20,000.00 in connection with said injuries and Plaintiff will in the future incur additional medical expenses in the approximate amount of \$200,000.00 for further medical care and services; all of the aforesaid injuries are permanent and progressive and greatly interfere with Plaintiff Mitchell Fernsler's ability to enjoy life; he has and will continue to suffer pain and discomfort.

WHEREFORE, Plaintiff Mitchell Fernsler prays judgment against Defendant for such sums as are fair and reasonable under the circumstances, in an amount in excess of the jurisdictional limits of all inferior trial courts, damages for vexatious refusal, prejudgment interest in accordance with law, costs expended herein, and for such other relief as may be appropriate under the circumstances.

Respectfully submitted,

DEFEO & KOLKER, LLC

By: 
SCOTT L. KOLKER, #44161
7700 Bonhomme Avenue, Suite 350
Clayton, Missouri 63105
(314) 727-4529 Telephone
(314) 727-8529 Facsimile

Attorney for Plaintiff

IN THE CIRCUIT COURT OF ST. LOUIS CITY
STATE OF MISSOURI

MITCHELL FERNSLER,

Plaintiff,

v.

ALLIED PROPERTY AND CASUALTY COMPANY)

SERVE: JOHN M. HUFF)

Director of Insurance)

301 W. High Street, #530)

Jefferson City, Missouri 65101)

Defendant.)

Cause No.

PERSONAL INJURY VEHICULAR
JURY TRIAL DEMANDED

MEMORANDUM FOR CLERK

Enclosed please find, for filing on behalf of Plaintiff:

1. Filing Fee - \$145.00
2. Plaintiff's Petition

SUMMONS ORDERED TO ISSUE for service upon defendant.

JOHN M. HUFF
Director of Insurance
301 W. High Street, #530
Jefferson City, Missouri 65101

PLAINTIFF REQUEST THAT SUMMONS BE RETURNED TO PLAINTIFF'S
ATTORNEY FOR FORWARDING TO THE SHERIFF OF COLE COUNTY FOR
SERVICE UPON DEFENDANT.

Respectfully submitted,

DEFEO & KOLKER, LLC

By: 

SCOTT L. KOLKER, #44161
7700 Bonhomme Avenue, Suite 350
Clayton, Missouri 63105
(314) 727-4529 Telephone
(314) 727-8529 Facsimile


Attorney for Plaintiff



IN THE 22ND JUDICIAL CIRCUIT COURT, CITY OF ST LOUIS, MISSOURI

Judge or Division: BRYAN L HETTENBACH	Case Number: 1622-CC11026	Special Process Server 1 Special Process Server 2 Special Process Server 3 (Date File Stamp)
Plaintiff/Petitioner: MITCHELL FERNSLER	Plaintiff's/Petitioner's Attorney/Address SCOTT LEE KOLKER 7700 BONHOMME STE 350 CLAYTON, MO 63105	
Defendant/Respondent: ALLIED PROPERTY AND CASUALTY COMPANY	Court Address: CIVIL COURTS BUILDING 10 N TUCKER BLVD SAINT LOUIS, MO 63101	
Nature of Suit: CC Pers Injury-Vehicular		

Summons in Civil Case

The State of Missouri to: ALLIED PROPERTY AND CASUALTY COMPANY Alias: JOHN M HUFF DIRECTOR OF INSURANCE 301 W HIGH STREET 530 JEFFERSON CITY, MO 65101		COLE COUNTY, MO
 COURT SEAL OF CITY OF ST LOUIS	You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for Plaintiff/Petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition. November 7, 2016 _____ Date _____ <i>Thomas Koeppinger</i> Clerk	
Further Information:		
Sheriff's or Server's Return Note to serving officer: Summons should be returned to the court within thirty days after the date of issue. I certify that I have served the above summons by: (check one) <input type="checkbox"/> delivering a copy of the summons and a copy of the petition to the Defendant/Respondent. <input type="checkbox"/> leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the Defendant/Respondent with _____ a person of the Defendant's/Respondent's family over the age of 15 years. <input type="checkbox"/> (for service on a corporation) delivering a copy of the summons and a copy of the petition to _____ (name) _____ (title). <input type="checkbox"/> other _____ Served at _____ (address) in _____ (County/City of St. Louis), MO, on _____ (date) at _____ (time). _____ Printed Name of Sheriff or Server _____ Signature of Sheriff or Server		
Must be sworn before a notary public if not served by an authorized officer: (Seal) Subscribed and sworn to before me on _____ (date). My commission expires: _____ Date _____ Notary Public		
Sheriff's Fees Summons \$ _____ Non Est \$ _____ Sheriff's Deputy Salary \$ 10.00 Supplemental Surcharge \$ _____ (_____ miles @ \$ _____ per mile) Mileage \$ _____ Total \$ _____ A copy of the summons and a copy of the petition must be served on each Defendant/Respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.		



IN THE 22ND JUDICIAL CIRCUIT COURT, CITY OF ST LOUIS, MISSOURI

Judge or Division: BRYAN L HETTENBACH	Case Number: 1622-CC11026	FILED 22ND JUDICIAL CIRCUIT CLERK'S OFFICE 16 NOV 28 PM 3:54 Special Process Server 1 Special Process Server 2 Special Process Server 3
Plaintiff/Petitioner: MITCHELL FERNSLER	Plaintiff's/Petitioner's Attorney/Address SCOTT LEE KOLKER 7700 BONHOMME STE 350 CLAYTON, MO 63105	RECEIVED NOV 10 2016 (Date File Stamp) COLE COUNTY SHERIFF'S OFFICE
Defendant/Respondent: ALLIED PROPERTY AND CASUALTY COMPANY	Court Address: CIVIL COURTS BUILDING 10 N TUCKER BLVD SAINT LOUIS, MO 63101	
Nature of Suit: CC Pers Injury-Vehicular		

Summons in Civil Case

The State of Missouri to: ALLIED PROPERTY AND CASUALTY COMPANY
Alias:

JOHN M HUFF
DIRECTOR OF INSURANCE
301 W HIGH STREET 530
JEFFERSON CITY, MO 65101

COLE COUNTY, MO

COURT SEAL OF



CITY OF ST LOUIS

You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for Plaintiff/Petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition.

November 7, 2016

Date

Thomas Koeppinger
Clerk

Further Information:

Sheriff's or Server's Return

Note to serving officer: Summons should be returned to the court within thirty days after the date of issue.

I certify that I have served the above summons by: (check one)

- ☐ delivering a copy of the summons and a copy of the petition to the Defendant/Respondent.
☐ leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the Defendant/Respondent with a person of the Defendant's/Respondent's family over the age of 15 years.
☒ (for service on a corporation) delivering a copy of the summons and a copy of the petition to

Kim Landers (name) Dyer (title).

☐ other

Served at 301 W. High (address)
 in Co. 4 (County/City of St. Louis), MO, on 11/14/16 (date) at 8:30 AM (time).

Kim Landers
Printed Name of Sheriff or Server

By [Signature]
Signature of Sheriff or Server

Must be sworn before a notary public if not served by an authorized officer:

Subscribed and sworn to before me on _____ (date).

My commission expires: _____ Date _____ Notary Public

Sheriff's Fees

Summons \$ _____
 Non Est \$ _____
 Sheriff's Deputy Salary \$ _____
 Supplemental Surcharge \$ 10.00
 Mileage \$ _____ (_____ miles @ \$ _____ per mile)
Total \$ _____

A copy of the summons and a copy of the petition must be served on each Defendant/Respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.

State of Missouri

Department of Insurance, Financial Institutions and
Professional Registration



TO: Corporate Secretary (or United States Manager or Last Appointed General Agent) of

ALLIED PROPERTY & CASUALTY INSURANCE COMPANY
CSC LAWYERS INCORPORATING SERVICE COMPANY
221 BOLIVAR STREET
JEFFERSON CITY, MO 65101

RE: Court: St. Louis City Circuit Court, Case Number: 1622-CC11026

You will take notice that original process in the suit against you, a copy of which is attached hereto and sent to you by certified mail, was duly served upon you at Jefferson City, Missouri, by serving the same on the Director of the Department of Insurance, Financial Institutions and Professional Registration of the state of Missouri, Dated at Jefferson City, Missouri this 14th day of November, 2016.

ENTERED

DEC 06 2016

Director of Insurance, Financial Institutions
and Professional Registration

SRR

AFFIDAVIT

State of Missouri,

ss.

County of Cole,

The undersigned Director of the Department of Insurance, Financial Institutions and Professional Registration or the Director's designated agent, hereby makes oath and certifies the original of the above notice to the above addressee was mailed at the United States Post Office in Jefferson City, Missouri on November 15, 2016 by first class certified mail prepaid as provided by section 375.906.5, RSMo. and Supreme Court Rule 54.15

Director, Department of Insurance, Financial Institutions and
Professional Registration

By:

Subscribed and sworn to before me this 15th day of November, 2016.

Notary Public



My commission expires:

KATHRYN LATIMER
My Commission Expires
March 4, 2020
Cole County
Commission #12418395

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<p>■ Complete items 1, 2, and 3.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>1 ALLIED PROPERTY & CASUALTY INSURANCE COMPANY CSC LAWYERS INCORPORATING SERVICE COMPANY 221 BOLIVAR STREET JEFFERSON CITY, MO 65101</p> <p>9590 9402 1746 6074 5424 46</p>		<p>A. Signature <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <u>Shelly Davis</u></p> <p>C. Date of Delivery <u>11/7/16</u></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If YES, enter delivery address below:</p>	
<p>2. Article Number (Transfer from service label)</p> <p>7016 1370 0001 2035 6547</p>		<p>3. Service Type</p> <p><input type="checkbox"/> Adult Signature Restricted Delivery <input type="checkbox"/> Priority Mail Express®</p> <p><input type="checkbox"/> Certified Mail® <input type="checkbox"/> Registered Mail™</p> <p><input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Signature Confirmation</p> <p><input type="checkbox"/> Mail Restricted Delivery <input type="checkbox"/> Restricted Delivery</p>	

PS Form 3811, July 2015 PSN 7530-02-000-9053

Domestic Return Receipt